

Management

Management of Contracted Advisory and Assistance Services

Headquarters
Department of the Army
Washington, DC
15 January 1993

Unclassified

Report Documentation Page		
Report Date 15 Jan 1993	Report Type N/A	Dates Covered (from... to) -
Title and Subtitle Management: Management of Contracted Advisory and Assistance Services	Contract Number	
	Grant Number	
	Program Element Number	
Author(s)	Project Number	
	Task Number	
	Work Unit Number	
Performing Organization Name(s) and Address(es) Department of the Army Headquarters Washington, DC	Performing Organization Report Number	
Sponsoring/Monitoring Agency Name(s) and Address(es)	Sponsor/Monitor's Acronym(s)	
	Sponsor/Monitor's Report Number(s)	
Distribution/Availability Statement Approved for public release, distribution unlimited		
Supplementary Notes		
Abstract		
Subject Terms		
Report Classification unclassified	Classification of this page unclassified	
Classification of Abstract unclassified	Limitation of Abstract UU	
Number of Pages 18		

SUMMARY of CHANGE

AR 5-14

Management of Contracted Advisory and Assistance Services

This revision--

- o Provides a revised definition of CAAS (para 1-3).
- o Services provided by members of Federal Advisory Committees and by individuals obtained through personnel appointments are no longer covered under this regulation (para 1-1).
- o Revises categories, eliminating category for individual experts and consultants (para 1-4)
- o Adds responsibilities for Assistant Secretary of the Army (Manpower and Reserve Affairs) (para 2-3), and for the Requiring activity (para 2-11).
- o Institutes requirement for an agency or command Operating Plan, to be approved by the agency or command CAAS director (para 2-10).
- o Makes the Requiring activity responsible for identification of CAAS (para 2-11).
- o Provides prohibition against using CAAS to perform inherently governmental functions (para 3-3a).
- o Initiates requirement for review by agency or command CAAS Director to review CAAS contracts which continue for more than 5 years (para 3-3k).
- o Revises appendix B to incorporate definitional changes and category changes.
- o Includes an appendix C which identifies services which are exempt from coverage by this regulation.

Effective 15 February 1993

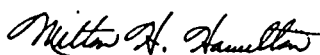
Management

Management of Contracted Advisory and Assistance Services

By Order of the Secretary of the Army:

GORDON R. SULLIVAN
General, United States Army
Chief of Staff

Official:



MILTON H. HAMILTON
Administrative Assistant to the
Secretary of the Army

History. This UPDATE printing publishes a revision of this publication. Because the publication has been extensively revised, the changed portions have not been highlighted.

Summary. This regulation prescribes policies, procedures, and responsibilities for a disciplined approach to the management, acquisition, and use of Contracted Advisory and Assistance Services (CAAS) resources to meet DoD requirements. It is required to implement the definitions and guidance included in DOD Directive 4205.2. It also

clarifies and updates responsibilities and procedures for the performance of a CAAS effort.

Applicability. This regulation applies to the Active Army and the U.S. Army Reserve. It applies to the Army National Guard when using Federal funds for CAAS efforts.

Proponent and exception authority. The proponent of this regulation is the Under Secretary of the Army. The Under Secretary of the Army has the authority to approve exceptions to this regulation that are consistent with controlling law and regulation. The Under Secretary of the Army may delegate this authority in writing. The approval authority will coordinate all questions regarding the scope of authority to approve exceptions with HQDA, OTJAG, ATTN: DAJA-AL, WASH DC 20310-2200.

Army management control process. This regulation is subject to the requirements of AR 11-2. It contains internal control provisions but does not contain checklists for conducting internal control reviews. These checklists will be published in the DA Circular 11-series.

Supplementation. Supplementation of this

regulation and establishment of command local forms are prohibited without prior approval from HQDA (SFUS-MIS), Arlington, VA 22202-0102.

Interim changes. Interim changes to this regulation are not official unless they are authenticated by the Administrative Assistant to the Secretary of the Army. Users will destroy interim changes on their expiration dates unless sooner superseded or rescinded.

Suggested Improvements. The proponent agency of this regulation is the Deputy Under Secretary of the Army (Operations Research). Users are invited to send comments and suggested improvements on DA Form 2028 (Recommended Changes to Publications and Blank Forms) directly to HQDA (SFUS-MIS), ARLINGTON, VA. 22202-0102

Distribution. Distribution of this publication is made in accordance with the requirements on DA Form 12-09-E, block 3498, intended for command level C for the Active Army and D for the Army National Guard and the U.S. Army Reserve.

Contents (Listed by paragraph and page number)

Chapter 1

Introduction, page 1

Purpose • 1-1, *page 1*

References • 1-2, *page 1*

Explanation of abbreviations and terms • 1-3, *page 1*

Contracted advisory and assistance services • 1-4, *page 1*

Chapter 2

Responsibilities, page 1

Secretary of the Army (SA) • 2-1, *page 1*

The Deputy Under Secretary of the Army (Operations Research) (DUSA(OR)) • 2-2, *page 1*

Assistant Secretary of the Army (Manpower and Reserve Affairs) (ASA(M&RA)) • 2-3, *page 1*

Director, U.S. Army Model Improvement and Study Management Agency (MISMA) • 2-4, *page 1*

Auditor General, U.S. Army Audit Agency (USAAA) • 2-5, *page 1*

The Commanding General (CG), U.S. Army Criminal Investigation Command (USACIDC) • 2-6, *page 1*

Heads of agencies or commands • 2-7, *page 1*

Contracting officer • 2-8, *page 1*

Contracting officer's representative (COR) • 2-9, *page 2*

Agency or Command CAAS directors • 2-10, *page 2*

Requiring Activity • 2-11, *page 2*

Chapter 3

Guidance, page 2

General • 3-1, *page 2*

Uses of CAAS • 3-2, *page 2*

Limitations • 3-3, *page 2*

Chapter 4

Management of CAAS, page 3

Policies and procedures • 4-1, *page 3*

Initiation • 4-2, *page 3*

Validation • 4-3, *page 3*

Development and conduct • 4-4, *page 5*

Application and evaluation • 4-5, *page 6*

Documentation and reporting • 4-6, *page 6*

Appendixes

A. References, *page 8*

* This regulation supersedes AR 5-14, 4 January 1991.

Contents—Continued

- B.** Contracted Advisory and Assistance Services Reporting Categories, *page 8*
- C.** CAAS-Exemptions, *page 9*

Figure List

Figure 4-1: Sample statement of work, *page 3*

Figure 4-2: Sample management decision document-contract, *page 4*

Figure 4-3: Sample justification for other than full and open completion, *page 5*

Figure 4-4: Sample management evaluation format, *page 6*

Glossary

Index

Chapter 1 Introduction

1-1. Purpose

This regulation is intended to enhance management controls over the acquisition, management, and ultimate use of contracted advisory and assistance services (CAAS) in order to improve their quality and usefulness.

a. This regulation covers—

(1) CAAS that are funded by Army appropriations, civil works appropriations, and Army industrial funds.

(2) Responsibilities of the requiring activity in managing and overseeing CAAS.

b. This regulation does not cover—

(1) Services performed in-house by Army or regular Government (military or civilian) employees.

(2) Services funded by nonappropriated funds.

(3) Advisory and assistance services obtained by personnel appointments under Federal Personnel Manual (FPM) chapter 304 procedures or from chartered Federal advisory committees (AR 15-1).

(4) Activities of contracting officers in acquiring and administering CAAS.

c. This regulation is not intended to interpret or modify the Federal Acquisition Regulation (FAR), including the Department of Defense (DoD) and the Army FAR supplements, the principal regulations governing acquisition within the Army. When any potential conflict exists between this regulation and the FAR system, the latter regulations will govern.

1-2. References

Required and related publications and prescribed and referenced forms are listed in appendix A.

1-3. Explanation of abbreviations and terms

Abbreviations and special terms used in this regulation are explained in the glossary.

1-4. Contracted advisory and assistance services

Contracted advisory and assistance services are those services acquired by contract, by the Army, from nongovernmental sources to support or improve agency policy development, decisionmaking, management and administration, program and project management and administration, or to improve the effectiveness of management processes or procedures or the operations of weapon systems, equipment, or components. CAAS efforts procured by Army through the use of another Government agency's contract are also reported and managed using this regulation.

a. The three reporting categories of CAAS are as follows:

(1) Category A (studies, analyses, and evaluations (SAE)).

(2) Category B (management support services (MSS)).

(3) Category C (engineering and technical services (ETS)).

b. General definitions of these reporting categories are provided in appendix B. A detailed definition of studies, analyses and evaluations is given in AR 5-5.

Chapter 2 Responsibilities

2-1. Secretary of the Army (SA)

The SA has approval authority and policy guidance responsibility for the activities in this chapter. The SA shall designate and oversee the activities of the Army CAAS Director, who shall be at the general officer or Senior Executive Service (SES) level.

2-2. The Deputy Under Secretary of the Army (Operations Research) (DUSA(OR))

The DUSA(OR) is responsible to the Secretary of the Army for the

Army Study Program, for study policy formulation, and for program direction included in Category A (see AR 5-5).

2-3. Assistant Secretary of the Army (Manpower and Reserve Affairs) (ASA(M&RA))

The ASA(M&RA) shall provide manpower policy and guidance to assist in determining when procurement of CAAS is appropriate to perform necessary Army requirements.

2-4. Director, U.S. Army Model Improvement and Study Management Agency (MISMA)

The director, MISMA, will—

a. Ensure that the Army's implementing regulations are consistent with DoDD 4205.2 and adhere to the directive's procedures and practices.

b. Maintain liaison with Office of Secretary of the Army (OSA), Office of the Secretary of Defense (OSD), Office of the Joint Chiefs of Staff, and other military departments on matters pertaining to CAAS.

c. Establish procedures to ensure that CAAS resource requirements are identified in the annual budget display described in DoD 7110.1-M and provide this information to the Comptroller of the Army (COA).

d. Monitor the obligation of funds for CAAS specified in the annual budget display.

e. Ensure accurate and timely reporting to the Defense Technical Information Center, the Federal Procurement Data System DD Form 350, (Individual Contracting Action Report), and other relevant data depositories.

2-5. Auditor General, U.S. Army Audit Agency (USAAA)

When requested or when considered proper after USAAA single or multi-location surveys, the Auditor General, USAAA may conduct special audits of CAAS acquisitions and associated management activities.

2-6. The Commanding General (CG), U.S. Army Criminal Investigation Command (USACIDC)

The CG, USACIDC, will conduct proper investigations according to AR 10-87 when reviews, inspections, audits, or investigations indicate criminal violations in CAAS acquisitions and associated management activities.

2-7. Heads of agencies or commands

The head of each agency or command has ultimate responsibility for the proper management of CAAS sponsored by the organization. The head of each agency or command will—

a. Ensure that the policies and procedures in this regulation are followed.

b. Plan, program, and budget for needed CAAS.

c. Designate approval authorities within the organization for management approval of CAAS sponsored by the organization. (See para 4-3 *f.*.)

d. Manage the planning and conduct for CAAS services by appointing a general officer or Senior Executive Service (SES) civilian level agency or command CAAS director.

e. Provide training opportunities to in-house personnel on the identification, acquisition, management, and use of CAAS.

f. Evaluate the usefulness of CAAS.

g. Apply the results and conclusions of CAAS.

h. Assure that a historical file of each procurement action is maintained, to include the approved procurement request with appropriate supporting documentation, progress reports, contract items delivered, documentation of Government acceptances, and the formal evaluation report.

i. Make the final determination, in the event of a disagreement, as to whether a specific contract action is CAAS. This authority may be delegated according to paragraph 2-7 *d.*

2-8. Contracting officer

Only an authorized contracting officer may enter into a contract on

behalf of the U.S. Government. Contract administration and other responsibilities of the contracting officer are cited in the FAR.

2-9. Contracting officer's representative (COR)

The decision on whether to use a COR rests with the contracting officer. When a COR is to be used, the requiring activity usually nominates the person. Specific COR duties and limitations are given in the designation letter from the contracting officer. COR duties may include—

- a.* Monitoring contract activities to ensure that the responsibilities of the contractor and the Government are accomplished and that the contracting officer and requiring activity are adequately and promptly informed of deviations from required performance.
- b.* Ensuring that the tasks and scope of the contract are not modified without explicit direction from the contracting officer.
- c.* Certifying acceptable contract performance at milestones.
- d.* Maintaining a comprehensive file on the contract, including all documents originating from the requiring activity. Examples include management approval documents, review meeting minutes, and management evaluation documents.

2-10. Agency or Command CAAS directors

These directors will—

- a.* Oversee the preparation of an annual operating plan and budget for CAAS.
- b.* Ensure that all individual contract actions are screened to identify CAAS items subject to the provisions of this regulation.
- c.* Review and approve the following:
 - (1) All individual CAAS contract actions according to this regulation.
 - (2) The agency or command's annual operating plan.
 - (3) The agency or command's CAAS budget submission.
- d.* Ensure purchasing and finance and accounting offices are provided enough information to accurately code individual contract actions and accounting records.
- e.* Ensure statements of work (SOW) fully identify and articulate the requiring activity's need.
- f.* Ensure that technical certification supporting contracting officer justifications for other than full and open competition procurements are prepared according to the FAR and this regulation.
- g.* Ensure that unsolicited proposals for CAAS are evaluated per the FAR/DFARS/AFARS and this regulation.
- h.* Monitor and control obligation of funds expended for CAAS through accounting records.
- i.* Monitor project status and fund obligation for each individual contract effort.
- j.* Ensure reporting requirements are fulfilled and forwarded as required in paragraph 4-6.
- k.* Ensure an evaluation of uses and impacts of individual contract efforts is prepared.
- l.* Monitor the implementation of individual findings.
- m.* Update the annual Agency or Command operating plan to maintain the current status of CAAS requirements.
- n.* Report results of CAAS efforts to the Director, U.S. Army MISMA, upon request.

2-11. Requiring Activity

The requiring activity will—

- a.* Have the primary responsibility for ensuring the identification and reporting of CAAS, and fulfilling the requirements of chapter 4 of this regulation.
- b.* Ensure that the requirements identified as CAAS are provided to the organization or functional area responsible for developing the CAAS budget request.

- c.* Maintain a file including, at a minimum, a copy of the approved procurement request and appropriate supporting documentation, listing, or summary of contract items delivered, and documentation of Government acceptance.

Chapter 3 Guidance

3-1. General

This chapter provides guidelines for the management, acquisition, and use of CAAS. The acquisition of CAAS is a legitimate way to support DoD services and operations. The following guidelines should be used to identify when CAAS is an appropriate resource:

- a.* When suitable in-house capability is unavailable or cannot be obtained in time to meet the needs of the Army organization, or it is not cost-effective to establish an in-house capability (for example, because the special or unique skills or expertise are not required full-time).
- b.* When the requirement is anticipated to be of a short or temporary period of time.

3-2. Uses of CAAS

- a.* It is appropriate to use CAAS—
 - (1) To assist decisionmakers in meeting their responsibilities and to help managers at all organizational levels to achieve maximum effectiveness and efficiency of operations.
 - (2) When proper to the mission of an agency or command, and when economically or otherwise advisable.
- b.* Examples (not to be interpreted as an exhaustive list) of the kinds of advisory and assistance services covered include—
 - (1) Professional, technical, scientific or management opinion or support that is not available within the Army.
 - (2) Obtaining improved program or project management of DoD systems or programs through advice; assistance or training to include program monitoring; resource management, planning, and programming; and milestone and schedule tracking.
 - (3) Outside points of view that provide independent assessments or that broaden the basis of information for Army decisionmakers.
 - (4) Advice on developments in industry, university, or foundation research.
 - (5) Citizen advisory participation in developing or implementing Army programs that, by their nature or by statutory provision, call for such participation.
 - (6) Providing advice for the efficient and/or effective operation of fielded weapons, weapon support and communication systems, equipment, or components.
 - (7) Assisting in the introduction and transfer of engineering and technical knowledge for fielded systems, equipment, and components.

3-3. Limitations

- a.* CAAS will not be used to perform inherently governmental functions.
- b.* CAAS will not be used to bypass or undermine personnel ceilings, pay limitations or competitive employment procedures.
- c.* Acquisition of CAAS does not obviate the need for commitment of Army employees to the effort. Close monitoring is needed to ensure that the objectives of the effort are met. The Army must retain the technical capability to prescribe, monitor, and evaluate the work of the contractor.
- d.* CAAS will not be procured using grants and cooperative agreements.
- e.* Contracts for CAAS will not be awarded on a preferential basis to former government employees.
- f.* CAAS will not be used under any circumstances to specifically aid in influencing or enacting legislation.
- g.* Each proposed contract action shall be evaluated separately to determine if the services required meet the CAAS definition. (Review app C to ensure services are not exempt from guidance in this

regulation.) CAAS should be procured through a separate contract action, if possible. When CAAS is a portion of a contract action, it shall be a separately identified contract line item number and separately priced.

h. CAAS contracts will be acquired through full and open competition to the greatest extent possible. (See paras (1), (2), and (3) below.)

(1) Full and open competition can be facilitated by—

(a) Early planning to allow reasonable leadtime for the competitive process.

(b) Diligent attention to timely and detailed generation of requirements, and to close coordination of acquisition strategy.

(2) Other than full and open competition is permitted only on an exceptional basis and only when clearly in accordance with Part 6 of the FAR/DFARS/AFARS and the serving contracting office's implementation. Before a contract is entered into by other than full and open competition, a justification and approval is required.

(a) The final determination on whether other than full and open competition is authorized rests with the contracting officer as approved by higher level acquisition officials pursuant to law and the FAR.

(b) Before submission of a proposed other than full and open competition action to the contracting officer for decision and action, the requirement must be supported by a written justification and approval statement. Such justifications will be certified as accurate and complete and will be reviewed and approved by the proper officials as required.

(3) These policies apply whether or not the following conditions exist:

(a) The contracting office is within the Army.

(b) The Army is the sole provider of funds.

(c) A basic ordering agreement exists.

(d) An approved class justification and approval or an indefinite delivery contract exists that might facilitate noncompetitive acquisition with a certain firm, unless these instruments were issued taking into consideration the required CAAS.

i. Army officials must be alert for potential conflicts of interest. To avoid conflicts of interest, proper disclosure is required according to the guidance in the FAR. CAAS procurement requests will contain a requirement for the bidder or offerer to indicate whether, when, and to what other Government agency they have provided similar services. Additionally, if they have provided similar services as a Government employee, either military or civilian, or contractor with any Federal agency, disclosure is required.

j. Modification to an existing CAAS contract should be undertaken only with great caution and then only by the contracting officer. A modification may be proper if changes are required within the scope of the contract, or if additional related requirements have been identified and a noncompetitive award to the contractor is justified and authorized. However, other alternatives should be considered first; for example, continuing the work in-house or seeking a new competitive acquisition. The sponsor or COR must avoid suggesting any commitment to changes in a contract. The contracting officer is the only person authorized to make changes in the contract. (See para 4-4 *e*.)

k. Contracts for CAAS may not continue for longer than 5 years without review by the agency or command CAAS Director, or designee, for compliance with this regulation.

Chapter 4 Management of CAAS

4-1. Policies and procedures

a. The chapter provides policies and procedures for managing a CAAS effort.

b. Activities of contracting officers and CPOs are governed by applicable regulations and are not controlled by this regulation.

c. Five phases characterize the life of a contracted advisory and

assistance service. These phases are described in paragraphs 4-2 through 4-6.

4-2. Initiation

This phase involves determining the need for the effort. Detailed planning should take place early enough to ensure the data is included in the operating plan for CAAS. The requiring activity will identify the requirement as CAAS and accomplish the following:

a. Establish the need for the effort. This may involve coordination with other agencies or commands.

b. Define the problem and scope in clear and unambiguous terms.

c. Determine a manageable number of valid objectives.

d. Identify the use and users of the anticipated project.

e. Estimate the benefits, costs, and risks associated with conducting the effort; refrain from proceeding if the benefits do not justify the costs and risks.

4-3. Validation

This phase involves justifying the need for the effort. The requiring activity—

a. Conducts a literature search. Essential in this process is a review of proper reference material. Such a review ensures that a valid requirement for the effort exists, enables the objectives and scope to be refined, and prevents duplication.

(1) As a minimum, the literature search should include the Defense Technical Information Center (DTIC). The search will be performed either through an on-line search of the Defense RDTE On-line System (DROLS) or direct query to DTIC, Cameron Station, Alexandria, VA 22314.

(2) Other sources that may be consulted are as follows:

(a) Defense Logistics Studies Information Exchange, U.S. Army Logistics Management College, Fort Lee, VA 23801-6043.

(b) The Army Study Program (TASP), HQDA (SFUS-MIS), Arlington, VA 22202-0102.

(c) The Pentagon Library, Room 1A518, Pentagon, Washington, DC 20310-6605.

(d) Independent Research and Development Library, Redstone Arsenal, AL 35898-5243.

(e) U.S. Army Audit Agency, 3101 Park Center Drive, Alexandria, VA 22303-1500.

(f) General Accounting Office, ATTN: Reports and Publications, Room 4522, 441 G Street, NW, Washington, DC 20548-0001.

(g) National Technical Information Service, 5285 Port Royal Road, Springfield, VA 22161-0001.

(h) Libraries of DoD Service schools.

(i) DRS 2600-37-86 Register of Intelligence Publications.

(j) DST 26602-00-87 Scientific and Technical Intelligence Register.

b. Determines whether the effort should be performed in-house or by contract. This involves the following:

(1) Determining if the effort is appropriate per paragraph 3-2.

(2) Coordinating within the requiring activity's organization and with other agencies or commands to determine the availability of Army employees (military or civilian) with the required expertise.

(3) Comparing the cost and benefits for in-house performance with those anticipated for contract performance (to include related in-house administrative and contract administration costs).

(4) Determining the ability of the personnel process to obtain additional in-house support to perform the requirement.

c. Determines the availability of needed funds.

d. Prepares, or directs the preparation, coordination, and submission of, a SOW to the contract official for incorporation into the solicitation and the resultant contract. (See fig 4-1.)

1. Scope. Specify the goal or products desired.

2. Background. Describe the problem. Indicate how the effort relates to—

a. The mission of the agency/command.

b. Why the work is needed; what it is to accomplish.

c. Prior or ongoing in-house or contract efforts.

3. Tasks. This is the primary element of the statement of work (SOW). Describe in detail what is to be accomplished. The emphasis should be on what is to be done, not how it is to be done. The SOW should contain enough detail to ensure that the contractor can develop a plan to meet the objectives of the effort and that the Army can measure contractor performance against the objectives. It should not contain such detail as to inhibit the contractor from full use of capabilities and resources.

4. Deliverables. List the products to be produced. For each, indicate quantity, place of delivery, and schedule of delivery. All dates in the SOW should be stated relative to the date of contract award.

5. Control Procedures. Describe the means that will be used to maintain quality control.

a. *Reviews.* Indicate if progress review meetings will be used.

b. *Reporting.* Specify that the contractor must submit written progress reports to the contracting officer (and COR if used) and the frequency of the reports (for example, monthly, bimonthly, quarterly). Specify the desired contents of the reports, such as technical progress and fund expenditure.

6. Government-Furnished Support. Specify facilities (and location), equipment, data, documents, computer software and hardware, and other materials that will be made available for contractor use, and the time schedule.

Figure 4-1. Sample statement of work

e. Coordinates the requirements for the CAAS with the contracting officer. Although management approval (f below) is necessary before the requirement is submitted formally to the contracting officer, early coordination is essential. Discussions of the following items are useful:

- (1) Schedule.
- (2) Funding.
- (3) Contents of the SOW.
- (4) Acquisition strategy; for example, whether to use—

(a) Small Disadvantaged Business opportunities in the Army's contracting communities, or as a participant in the Small Business Administration's (SBA) "8A" program.

(b) Full and open competition or any restrictions thereto, including proposed sole source procurement actions.

(c) A firm fixed-price, cost-plus-fixed-fee, or other type of contract.

(5) Whether to use a COR; if so, what functions the COR would perform in assisting the contracting officer (para 2-9).

f. Obtains appropriate management approval of the requirement for CAAS. This approval must be obtained before the requirement is submitted formally to the contracting officer for action. The need for the service should be justified in the form of a management decision document (MDD) (see fig 4-2) which clearly identifies the approval official and the disposition of the request for approval. It will be used as the source document for assigning element of resource codes for CAAS in accounting records and the FSC code used in the Federal Procurement Data System. Specifically, the MDD will be used to—

FOR: (name of approval official)

SUBJECT: (title of contract service)

1. Purpose. To obtain approval of the requirement for a proposed contract for subject service.

2. Discussion. Provide in this paragraph, or attach as enclosures to the document, the following information:

- a. Indication that the SOW is attached as Enclosure 1.
- b. Description of problem or reason for service.

c. Objectives of the effort. Include summaries of the proposed tasks and anticipated products. Indicate that detailed descriptions of tasks are in the SOW (Encl 1).

d. Explanation of how the service supports the mission of the agency or command.

e. Certification that the service does not unnecessarily duplicate prior or ongoing in-house or contract efforts. (Appropriate here is a description of the actions taken to satisfy para 4-3 a.)

f. Certification that the service, is not an inherently governmental function, cannot be performed in-house, or that contract performance is more cost effective. (Appropriate here is a description of the actions taken to satisfy para 4-3 b.)

g. Whether using other than full and open competition is planned; if so, proper justification. See figure 4-3 for guidance in preparing this justification.

h. Description of control procedures, including—

(1) Description of quantitative and qualitative measures that will be used to evaluate the—

(a) Progress of the contractor.

(b) Quality and effectiveness of the final results and products.

(2) Name, organization, and telephone number of agency or command point of contact (POC).

(3) Whether a COR will be nominated; if so, and if the proposed COR is different from the POC then the COR's name, organization, and telephone number.

(4) Proposed organizational makeup of progress review group.

(5) Milestone schedule, including schedules for progress review meetings.

i. Anticipated total cost, with detailed cost estimate if available.

j. Statement that funds are available, with identification of funding appropriation and recommended EOR.

k. Recommendation of the appropriate Federal Supply Class Code.

3. Coordination. The requirement for the proposed contract has been coordinated with: (*List organizations and offices*).

4. Recommendation. Approve the requirement for a proposed contract for subject service.

Figure 4-2. Sample management decision document-contract

(1) Document the need for services as related to current priorities, tasks, and objectives.

(2) Attest that services do not unnecessarily duplicate prior or ongoing efforts.

(3) Certify that the requirement is not inherently governmental in nature, that in-house resources are not available or cannot be used due to higher priority work, and that the need to use contractor-unique capabilities or employees is fully justified.

(4) Provide a Project Unique Identification Code (PUIC), recommended Federal Supply Class (FSC) Code, DTIC accession number (for SAEs), and recommended Element of Resource (EOR) code. Guidance for developing these codes is found in the Schedule 10 instructions in the command budget estimates (CBE).

(5) Include the certified justification for other than full and open competition required by the FAR/DFARS/AFARS when necessary. In particular, this justification is necessary if award on the basis of adoption of an unsolicited proposal is planned. An exception to the need for this justification applies in the case of a contract, under three million dollars, proposed for performance through the SBA "8A" program.

(6) Provide approval at the level required below:

(a) The approval authority is delegated to Commanders of MACOMs and heads of other Agencies or Commands cited in paragraph 2-7 c. This approval authority may be re-delegated to levels deemed appropriate based on the proposed acquisition method (for example, full and open competition versus restricted competition or noncompetitive), or the type or dollar value of the required services.

(b) DoD Directive 4205.2 requires that the approval authority be one level above the requiring activity if the contract will be awarded during the first three quarters of the fiscal year and two levels above the requiring activity if the contract will be awarded during the fourth quarter of the fiscal year. (In no case will approval be required above the ASA level.)

(c) If the proposed contract requirement is estimated at \$50,000 or more, the approval authority may not be delegated below the Senior Executive Service (SES) or General Officer level. However, at those subordinate organizations headed by a Colonel (O6) but which are authorized a General Officer position, or where SES personnel are subordinate to the commander, the commander may be delegated the approval authority.

g. Updates the organization's operating plan to reflect changes in the status resulting from the approval and forwarding of the requirement to the contracting officer.

h. Provides the complete procurement requirements package to the contracting officer. The package will contain the following documents:

(1) The approved MDD including paragraphs (a) through (c) below:

(a) SOW and other materials, provided with or attached to the MDD that are needed by the contracting officer.

(b) Independent cost estimate (ICE) if it is not already available from the MDD. (See DA Pam 5-5, app E.)

(c) Justification for other than full and open competition if applicable (fig 4-3).

(2) Identification of security requirements.

(3) Certification of fund availability by the organization, including the appropriate CAAS EOR.

(a) When interdepartmental transfers of funds, such as a Military Interdepartmental Purchase Request or Inter-Agency Cost Reimbursable Order, are used to procure CAAS, the organization issuing the funds for the requiring activity, rather than the organization receiving the funds, shall ensure the funds are properly reported in the Army accounting system and the CAAS budget submission.

(b) In the instance where the requiring activity provides funding to another activity and may not have knowledge whether a specific requirement, which meets the CAAS definition, will be accomplished in-house or by contract, the organization placing the requirement is responsible for notifying the requiring activity whether the requirement was performed with in-house or contractor support to ensure accurate recording of obligation and expenditure information into the accounting system and the CAAS budget exhibit.

1. General.

This provides a list of items suggested for use in developing justification for other than full and open competition. The justification must be attached to the management decision document (fig 4-2) and certified as accurate, by management, when other than full and open competition is proposed. If the overall requirement is approved by management and includes a request for other than full and open competition, the requirement and justification for other than full and open competition should be forwarded to the contracting officer for decision and action. (See also para 3-3 h (2).)

2. Information.

The items listed below can assist in assessing whether other than full and open competition is proper. Those items that apply in an individual case should be addressed.

- a. Name and business of proposed contractor.
- b. Date of first knowledge of the requirement.
- c. Delays in initiating acquisition process.
- d. Latest acceptable start date.
- e. Date when completed effort is required.
- f. Who specified the completion date?
- g. Why no other contractors can meet the completion date?
- h. Impact of a delay in completion of the effort.
- i. Duration of effort.

j. Why the effort cannot be shortened or lengthened?

k. Basis for attributing unique capability.

l. Description of unique or proprietary skills, data, equipment, or processes, and why they cannot be provided to or acquired by other contractors.

m. Why unique or proprietary skills, data, equipment, or processes are necessary for the effort, rather than means available to other contractors?

n. Why a competitive request for proposal or a Commerce Business Dail (CBD) synopsis cannot be written without compromising the original ideas in an unsolicited proposal?

o. Explanation of how the work would be described in a contract with the proposed contractor to ensure that a fair price would be paid and that the service would be nonpersonal.

p. Description of the steps being taken to seek competition in future acquisitions related to the subject matter.

Figure 4-3. Sample justification for other than full and open completion

i. Develops evaluation criteria and convenes an evaluation board for a service proposed for competitive negotiation. The evaluation criteria are developed in coordination with the contracting officer. Based on the evaluation criteria, as expressed in the solicitation, the evaluation board examines submissions resulting from the solicitation and recommends selection of a contractor to the contracting officer. For a proposed contract for studies and analyses, guidance for developing evaluation criteria is given in DA Pam 5-5, appendix F. For a proposed contract for management support services, that guidance may also be of use.

4-4. Development and conduct

This phase covers the life of the contract, from award to completion or termination. The requiring activity, or the COR, if one has been appointed—

a. Assists the contracting officer in ensuring that each effort is properly managed and is progressing satisfactorily. Progress review meetings to evaluate progress, ensure effective coordination, and facilitate proper and timely decisions on future activities, may be conducted at proper milestones. Such review meetings may be recommended to the contracting officer for inclusion as a requirement of the solicitation and resulting contract.

b. May review and endorse contract vouchers prior to submittal to disbursing officer to assure that contract payments correspond to the effort expended on the contract and that the contract is progressing satisfactorily. The contract will generally cite the authority of the requiring activity or the COR for contract administration actions, for example, review of invoices or contract vouchers submitted by contractors for payment.

c. Assists the contracting officer in ensuring that duties listed in paragraphs 2-9 a through 2-9 d are performed.

d. Appoints a study director if the contract is for studies and analyses (AR 5-5). The use of such a person may also be valuable if the contract is for management support services. This person acts for the requiring activity in ensuring that objectives are met and provides technical direction to the organization performing the study. His or her role should be clearly understood by all parties (the requiring activity, contracting officer, COR, and contractor). The functions of the study director are discussed in DA Pam 5-5, chapter 3.

e. Ensures that any requirement proposed as a modification to the existing contract is—

(1) Necessary (para 3-3 j).

(2) Within the scope of the contract.

(3) Coordinated with the contracting officer.

(4) Approved by the proper management official (para 4-3 f) before formal submission to the contracting officer for action. If the proposed modification will cost \$50,000 or more or will raise the

total cost of the contract to \$50,000 or more for the first time, then the approval level requirements in paragraph 4-3 *f* (6) (*c*) apply.

4-5. Application and evaluation

This phase occurs during and after completion of the contract. The requiring activity, or the COR if one has been appointed—

a. Evaluates results and determines the extent to which desired objectives are achieved.

b. Ensures that proper followup actions are taken, such as communicating the results to all those affected and implementing the conclusions and recommendations by either of the following:

(1) Making decisions or developing policies.

(2) Providing information to proper Army officials for subsequent decisionmaking or policy development.

c. Evaluates Army management and contractor performance. A written evaluation of the administration and conduct of the contract must be prepared within 30 days after completion (or termination) of the contract. The evaluation must be forwarded to the contracting officer for inclusion in the official file. The evaluation must also be maintained in the requiring activity's contract file for the proper period of time specified in the AR 340-series. The evaluation discusses the effectiveness of the contractor in performing the effort and the requiring activity's management and support of the effort. A sample evaluation format is at figure 4-4.

Subject: (title)

1. Purpose. State the purpose of the effort.

2. Chronology. Provide the milestone dates and summary of actions accomplished.

3. Basic Information. Provide the following information:

a. Requiring Activity.

b. COR and/or requiring activity representative—name and organization.

c. Contractor—organization name and address, POC name.

d. Contracting officer—name and organization.

e. Contract—

(1) Date of award.

(2) Date completed or terminated.

(3) Final total cost.

4. Major Problems Encountered. List.

5. Major Achievements. List.

6. Results. List results. Describe the benefits to the Army from having conducted the effort. In general, the value received from the expenditure of resources may be judged by the benefits derived from the effort. Therefore, special care must be taken to describe the present and anticipated benefits. When possible, cost savings or cost avoidances accruing to the Army should be addressed. If definitive cost data cannot be used, well-thought-out quantitative or qualitative measures should be used to describe the benefits. Such benefits should be expressed in simple language easily understood by non-technical personnel.

7. Evaluation

a. Contractor—

(1) Performance.

(2) Product.

b. Overall management of effort by Army.

8. Lessons Learned. List.

9. Implementation of Results. Provide the names of the agencies or commands implementing the results, the implementation dates, principal milestones, and the action accomplished or products to be provided or published.

10. Information Reports. Date final DD Form 1498 (Research and Technology Work Unit Summary) for SAEs was submitted to DTIC.

11. Final Report. Date copy of final report with Standard Form 298 (Report Documentation Page) for SAEs was submitted to DTIC, and DTIC accession number of the report.

Figure 4-4. Sample management evaluation format

4-6. Documentation and reporting

These actions below take place before, during, and after the life of the contract.

a. Information reports. The DD Form 1498 (Research and Technology Work Unit Summary) is maintained by DTIC. The DTIC system provides information on individual efforts through automated retrieval. For each SAE contract, the requiring activity must prepare a DD Form 1498 at each of the several milestones and submit the form to DTIC. Preparation of a DD Form 1498 for MSS and ETS contract action is based on the determination of the requiring activity that the results would be useful to other organizations.

(1) For studies and analyses contracts the instructions in AR 70-9 on when to submit and how to complete the DD Form 1498 should be followed.

(2) Those organizations with access to the Army On-Line Edit System (see AR 70-9) will submit the completed DD Form 1498 through that system. Other organizations will mail the completed form to Commander, U.S. Army Laboratory Command, ATTN: SLC-TP-TI, 2800 Powdermill Road, Adelphi, MD 20783.

b. Control of preparation and distribution of documents. Certain activities in the preparation and distribution of documents for a CAAS contract are performed by the contractor; others, by Army military and civilian employees. In the first case, the contracting officer is responsible for the control of such activities according to the FAR and its departmental supplements and the terms of the contract. The requiring activity can assist the contracting officer in monitoring compliance with the controls listed in (1) through (8) below. In the second case, the requiring activity is responsible for ensuring that the controls below are applied.

(1) Preparation, review, publication, and distribution of documents must be accomplished according to AR 70-31. This function also involves maintaining proper security measures (see AR 380-5).

(2) Personal data collected or assessed during the effort must be managed according to the Privacy Act of 1974 (section 552a, title 5, United States Code (5 USC 552a)), as implemented in AR 340-21.

(3) Proprietary information in a document produced by a contractor must be controlled as stipulated in the contract.

(4) Freedom of Information Act (FOIA) requests must be responded to according to the FOIA (5 USC 552), as implemented in AR 25-55. Only the Initial Denial Authority may deny information requested under the FOIA.

(5) The controlling authority for release of documents produced by a CAAS contract (beyond the distribution required by the contract) is the requiring activity's designated representative in coordination with the contracting officer. This requirement must be included in the contract and emphasized to the contractor during contract negotiations.

(6) Results of ongoing or completed efforts, even when official review is lacking, will be provided upon request to General Accounting Office representatives according to public law and AR 36-2. However, the requiring activity or controlling authority may believe that the information is extremely sensitive or sufficiently incomplete to cause confusion or lead to conflicting conclusions. If so, then guidance should be requested through command channels from the HQDA Staff agency that is the functional proponent.

(7) Information and materials produced by CAAS efforts may normally be made available to all interested parties, when consistent with security classification, proprietary information, and Privacy Act constraints. However, if there is evidence that release of emerging results would significantly impair Army performance of missions or

cause confusion or misunderstanding about Army goals or policies, the information and materials should be withheld until the effort has been completed and release has been permitted by the controlling authority (para (5) above).

(8) The cover of each document produced by the contractor must contain, as a minimum, the information listed in paragraphs (a) through (f) below. (This requirement must be included in the purchase request requirements statement.)

(a) Name and business address of the contractor.

(b) Contract number.

(c) Total dollar value of the contract.

(d) Whether the contract was competitively or noncompetitively awarded and basis of award (technical, cost basis, best value, etc).

(e) Requiring activity (including office identification and location) and responsible person within the organization.

(f) Disclaimer statement, such as “ The views, opinions, and findings contained in this document are those of the author(s) and should not be construed as official Department of the Army position, policy, or decision, unless so designated by other official documentation. ”

c. *Final reports.*

(1) The requiring activity must submit two copies of each final study report, with completed Standard Form 298 (Report Documentation Page), bound together, to Commander, Defense Technical Information Center, ATTN: DDA, Cameron Station, Alexandria, VA 22314.

(2) The requiring activity must submit one copy of each final study report to the Pentagon Library, ATTN: ANR-AL-RS (Army Studies), Room 1A518, Pentagon, Washington, DC 20310-6605.

(3) The requiring activity will forward an information copy of intelligence related reports to the U.S. Intelligence Agency, ATTN: AIA-PD, Pentagon, Washington, DC 20310-1015.

Appendix A References

Section I Required Publications

AR 5-5

Army Studies and Analyses. (Cited in paragraphs 1-3b, 2-2, and 4-4d.)

AR 11-2

Internal Control Systems. (Cited in introduction)

AR 70-9

Army Research Information Systems and Report. (Cited in paragraph 4-6a.)

DA Pam 5-5

Guidance for Army Study Sponsors, Sponsor's Study Directors, Study Advisory Groups, and Contracting Officer. (Cited in paragraphs 4-3, and 4-4.)

Section II Related Publications

AFARS

Army Federal Acquisition Regulation Supplement (AFARS).

AR 10-86

United States Army Intelligence Agency

AR 10-87

Major Army Commands in the Continental United States

AR 15-1

Committee Management

AR 20-1

Inspector General Activities and Procedures

AR 25-1

The Army Information Resources Management Program

AR 25-55

The Department of Army Freedom of Information Act Program

AR 36-2

Processing Internal and External Audit Reports and Follow-up on Findings and Recommendations

AR 70-1

Systems Acquisition Policy and Procedures

AR 70-31

Standards for Technical Reporting

AR 335-15

Management Information Control System

AR 340-21

The Army Privacy Program

AR 380-5

Department of the Army Information Security Program Regulation

AR 381-11

Threat Support to U.S. Army Force, Combat, and Materiel Development

AR 381-19

Intelligence Dissemination and Production Support

AR 600-46

Attitude and Opinion Survey Program

AR 611-3

Army Occupational Survey Program (AOSP)

AR 700-4

Logistics Assistance Program.

DFARS

DoD Federal Acquisition Regulation Supplement (DFARS).

DoDD 4105.61M

Procurement Coding Manual

DoDD 4205.2

Acquiring and Managing Contracted Advisory and Assistance Services

DoDD 7110-1-M

DoD Budget Guidance Manual

FAR

Federal Acquisition Regulation (FAR).

FPM, Chapter 304

Employment of Experts and Consultants

OMB Circular A-76

Policies for Acquiring Commercial or Industrial Products or Services Needed by the Government

OMB Circular A-120

Guidelines for the Use of Consulting Services. (This circular may be obtained from the Office of Management and Budget Publications, Room 236, New Executive Office Building, 726 Jackson Place, NW, Washington, DC 20503.)

Section III

Prescribed Forms

There are no entries in this section.

Section IV

Referenced Forms

DD Form 350

Individual Contracting Action Report

DD Form 1498

Research and Technology Work Unit Summary (R&TWUS)

SF Form 298

Report Documentation Page

Appendix B Contracted Advisory and Assistance Services Reporting Categories

B-1. Category A Studies, Analyses and Evaluations (SAE)

SAEs are organized, analytic assessments to understand and/or evaluate complex issues, to improve policy development, decision-making, management, or administration. SAEs result in formal, structured documents containing or leading to conclusions and/or recommendations for use by decisionmakers. Databases, models, methodologies, and related software created in support of a SAE are to be considered part of the overall effort. SAEs are performed by personnel from non-Governmental analytic organizations including Federally Funded Research and Development Centers (FFRDCs).

B-2. Category B Management Support Services (MSS)

Contracts for management support services provide engineering or technical support, assistance, advice, or training for the efficient and effective management and operation of Army organizations, activities, or systems. They are normally closely related to the basic responsibilities and mission of the using organization. This category includes efforts that support or contribute to improved organization or program management, logistics management, project monitoring and reporting, data collection, budgeting, accounting, auditing, and administrative and/or technical support for conferences and training programs.

B-3. Category C Engineering and Technical Services (ETS)

Engineering and Technical Services (ETS) consist of the furnishing of technical assistance, instruction, and training to DoD personnel by commercial or industrial companies in the installation, operation, and maintenance of DoD weapons, equipment, and systems. This includes transmitting the knowledge necessary to develop among those DoD personnel the technical skill required for installing, maintaining, and operating such equipment in a high state of military readiness. These services are to assure that existing weapon systems, equipment, and components operate at design or required specifications. These services consist of the following:

a. Contractor plant services. ETS provided to DoD personnel by a manufacturer of weapon systems, equipment, or components. These services are provided in the manufacturer's facilities by engineers and technicians employed by the manufacturer.

b. Contractor field services. ETS provided to DoD personnel on-site, at DoD locations, by technically qualified DoD contractor representatives. These services include information, instruction, training, and hands-on training (that is, direct assistance provided by contractor representatives).

c. Field service representatives. ETS provided to DoD personnel by employees of a manufacturer of military equipment or components who provide a liaison or advisory service between their company and the military users of their company's equipment or components.

Appendix C CAAS-Exemptions

C-1. Activities that are reviewed and/or acquired in accordance with the OMB Circular A-76 program.

C-2. Architectural and engineering services for construction and construction management services procured in accordance with the FAR, Part 36. Work not related to construction as defined by Part 36 and that meets the CAAS definition under existing architectural and engineering contracts, shall come under the purview of this regulation.

C-3. Day-to-day operation of facilities (for example, the Arnold Engineering Development Center and related facilities) and housekeeping services and functions (for example, building and grounds maintenance, and physical security).

C-4. Routine maintenance of systems, equipment, and software; routine administrative services; printing services; and direct advertising (media) services.

C-5. Initial training services acquired as an integral part of the procurement of weapon systems, automated data processing systems, equipment or components, and training obtained for individual professional development.

C-6. Basic operation and management contracts for Government-

owned, contractor-operated facilities (GOCOs); for example, the Holston Army Ammunition Plant in Kingsport, TN. Any contract action meeting the CAAS definition and procured under the GOCO basic contract, shall come under the purview of this regulation.

C-7. Clinical and medical services for direct health care.

C-8. ADP and/or telecommunication functions and related services controlled in accordance with the Federal Information Resources Management Regulation (FIRMR) and reported in Schedule 80-Information Technology Budget of the Command Budget Estimates.

C-9. ADP and/or telecommunications functions and related services exempted from FIRMR control pursuant to section 2315 of title 10, United States Code and reported in Schedule 80-Information Technology Budget of the Command Budget Estimates.

C-10. Services supporting the policy development, management, and administration of the Foreign Military Sales Program that are not paid for with funds appropriated by the U.S. Congress. (Includes CAAS funded with appropriated funds and reimbursed by the foreign customer.)

C-11. Services (for example, systems engineering and technical services) acquired by or for a program office to increase the design performance capabilities of existing or new systems or where the services are integral to the logistics support and maintenance of a system or major component and/or end item of equipment essential to the operation of the system before final Government acceptance of a complete hardware system. Care must be exercised to avoid exempting services acquired to advise and assist program office and/or manager for program and/or contractor oversight and administration processes, resource management, planning and programming, milestone and schedule tracking, or other professional or administrative service necessary in performing its mission.

C-12. Research on theoretical mathematics and basic medical, biological, physical, social, psychological, or other phenomena.

C-13. Auctioneers, realty-brokers, appraisers, and surveyors.

C-14. Services procured with funds from the Defense Environmental Restoration Account.

C-15. The National Foreign Intelligence Program (NFIP).

C-16. The General Defense Intelligence Program (GDIP).

C-17. Tactical Intelligence and Related Activities (TIARA).

C-18. Programs managed by the Director, National Security Agency/Central Security.

Glossary

Section I Abbreviations

AFARS

Army Federal Acquisition Regulation Supplement

ASA

Assistant Secretary of the Army

ASA(M&RA)

Assistant Secretary of the Army (Manpower and Reserve Affairs)

ASA(RDA)

Assistant Secretary of the Army (Research, Development, and Acquisition)

CAAS

contracted advisory and assistance services

CBE

command budget estimates

COR

contracting officer's representative

DFARS

Defense Federal Acquisition Regulation Supplement

DoD

Department of Defense

DROLS

Defense RDTE On-line System

DTIC

Defense Technical Information Center

DUSA(OR)

Deputy Under Secretary of the Army (Operations Research)

EOR

element of resource

ETS

engineering and technical service

FAR

Federal Acquisition Regulation

FIRMR

Federal Information Resources Management Regulation

FOIA

Freedom of Information Act

FPM

federal personnel manual

FSC

Federal Supply Class Code

HQDA

Headquarters, Department of the Army

ICE

independent cost estimate

IEC

individual experts and consultants

MACOM

major Army command

MDD

management decision document

MISMA

Model Improvement and Study Management Agency

MSS

management support service

OMB

Office of Management and Budget

OSA

Office, Secretary of the Army

OSD

Office, Secretary of Defense

PUIC

project unique identification code

SA

Secretary of the Army

SAE

studies, analyses, and evaluations

SBA

Small Business Administration

SES

senior executive service

SOW

Statement of Work

SSA

staff support agency

USAAA

U.S. Army Audit Agency

USACIDC

U.S. Army Criminal Investigations Command

Section II Terms

Agency or command

Any one of the following organizations:

- a. HQDA Staff agency.
- b. HQDA field operating agency.
- c. HQDA staff support agency (SSA).
- d. Major Army command (MACOM).
- e. Other Army command reporting directly to HQDA.

CAAS (contracted advisory and assistance services)

CAAS are those services acquired by contract, by the Army, from nongovernmental sources to support or improve agency policy

development, decisionmaking, management and administration, program and project management and administration, or to improve the effectiveness of management processes or procedures or the operations of weapon systems, equipment, or components.

CAAS coordinator

An agency or command Government employee, military or civilian, designated the central point of contact for the management of CAAS. Acts as the liaison between requesting activity, resource, and procurement activities for the management of CAAS.

CAAS director

An agency or command Government employee, who shall be at the General Officer or Senior Executive Service level, charged with the responsibility of ensuring implementation of this regulation.

CAAS exemptions

Specific kinds of services or activities exempted from the purview of this regulation.

Consulting services

Those services of a purely advisory nature relating to the Governmental functions of agency administration and management and agency program management. These services are normally provided by persons or organizations who are generally considered to have knowledge and special abilities that are not generally available within the department or agency.

Contracted services

Services that directly engage the time and effort of a contractor to perform an identifiable task rather than furnish an end item of supply. Includes separately identified services delivered under a contract when the primary purpose is to provide supplies, equipment or hardware.

Contracting action

Any written action obligating or de-obligating funds for procuring services to meet DoD requirements, to include definitive contracts, purchase orders, job orders, task orders, delivery orders, other orders against existing contracts, and contract modifications, change orders or agreements, supplemental agreements, funding changes, option exercises, and notices of termination or cancellation.

Contracting officer's representative

A Government employee, military or civilian, designated in writing by a contracting officer to act as his or her representative to assist in administering a contract. No other person is authorized to use the title COR or other similar title (such as contracting officer's technical representative) that would imply authority to act for the contracting officer or the Government in dealing with the contractor.

Inherently governmental functions

This has the same meaning as governmental functions in Section 6.e. of OMB Circular A-

76. That section provides as follows: A Governmental function is a function that is so intimately related to the public interest as to mandate performance by Government employees. These functions include those activities that require either the exercise of discretion in applying Government authority or the use of value judgements in making decisions for the Government. Government functions normally fall into two categories:

a. **The act of governing:** that is, the discretionary exercise of Government authority. Examples include criminal investigations, prosecutions, and other judicial functions; management of Government programs requiring value judgements, as in direction of the national defense; management and direction of the Armed Services; activities performed exclusively by military personnel who are subject to deployment in a combat, combat support, or combat service role; conduct of foreign relations; selection of program priorities; direction of Federal employees; regulation of the use of space, oceans, navigable rivers, and other natural resources; direction of intelligence and counter-intelligence operations; and regulation of industry and commerce, including food and drugs.

b. **Monetary transactions and entitlement:** such as tax collection and revenue disbursements; control of treasury accounts and money supply; and the administration of public trusts. An inherently governmental function involves the determination of policy and the direction and control of Federal employees or, in some cases, of activities and property of private citizens. Such functions do not normally include functions that are primarily ministerial and internal in nature, such as building security; mail operations; operation of libraries and cafeterias; housekeeping; and the maintenance of physical plant, vehicles, or other electrical or mechanical equipment. Inherently governmental functions do not encompass functions considered "commercial," as defined in OMB Circular No. A-76

Management decision document

A written document (letter or memorandum), submitted to the proper management official, that seeks approval for initiation of a CAAS effort.

Operating plan

The document, maintained at the agency or command, that identifies projected and ongoing CAAS actions for a specified fiscal year. The Schedule 10 of the CBE will provide the initial input into the Operating Plan. As the tasks identified in the Schedule 10 proceed through the process they will be updated to reflect changes, thus providing a current record of the organization's utilization of CAAS.

Progress review

The review of an effort at critical points.

Requiring activity

The element of the agency or command that identifies and initiates a requirement for CAAS or may have been tasked by another agency or command to be responsible for developing the requirement and monitoring the acquisitions and use of the services.

Statement of work

The document that specifies the work to be performed under a contract.

Unsolicited proposal

A written proposal that is submitted to an agency on the initiative of the submitter for the purpose of obtaining a contract with the Government and which is not in response to a formal or informal request (other than an agency request constituting a publicized general statement of needs).

Section III

Special Abbreviations and Terms

This section contains no entries.

Index

This index is organized alphabetically by topic and subtopic. Topics and subtopics are identified by paragraph number.

Contracted advisory and assistance services

- (CAAS) 1-3
- Uses of 3-2
- Limitations on uses of 3-3
- Initiation of 4-2
- Validation of need 4-3
- Development and conduct of effort 4-4
- Evaluation of effort 4-5

Agency or MACOM CAAS director 2-10

- Responsibilities 2-10
- Appointment of 2-7 *d*

Requiring activity

- Responsibilities 2-11
- Initiation of CAAS action 4-2
- Validation of need for CAAS action 4-3
- Development and conduct of CAAS action 4-4
- Management decision document requirements 4-3 *f*
- Evaluation of CAAS action 4-5
- Submission of completed efforts to depositories 4-6 *c*
- Release of documents 4-6 *b* (5)
- Reporting to DTIC 4-6 *a*
- Appointing a study director 4-4 *d*

Conflict of interest 3-3 *i*

Contracting for CAAS

- Full and open competition 3-3 *h* , 4-3 *e* (4) *(b)*
- Modifications 3-3 *j*
- Review for 3-3 *g* , 3-3 *k*
- Other than full and open competition 3-3 *h* (2)
- Small Disadvantaged Business 4-3 *e* (4) *(a)*

Contracting officer

- Control and distribution of documents 4-6 *b*
- Responsibilities 2-8
- Competition determination 3-3 *h* (2) *(a)*
- Modification of CAAS contract 3-3 *j*

Literature search 4-3 *a*

Management decision document 4-3 *f*

- Approval authority 4-3 *f* (7)

Operating Plan

- Agency or MACOM CAAS Director review 2-10 *a* , 2-10 *c*
- Requiring activity responsibility 4-3 *g*

Requiring activity

- Responsibilities 2-11
- Initiation of CAAS action 4-2
- Validation of need for CAAS action 4-3
- Development and conduct of CAAS action 4-4
- Management decision document requirements 4-3 *f*
- Evaluation of CAAS action 4-5
- Submission of completed efforts to depositories 4-6 *c*
- Release of documents 4-6 *b* (5)
- Reporting to DTIC 4-6 *a*
- Appointing a study director 4-4 *d*

Responsibilities

- Deputy Under Secretary of the Army (Operations Research) 2-2
- Assistant Secretary of the Army (Manpower and Reserve Affairs) 2-3
- Director, Model Improvement and Study Management Agency 2-4
- Auditor General 2-5
- Commanding General, U.S. Army Criminal Investigation Command 2-6
- Agency head 2-7
- MACOM Commander 2-7
- Contracting officer 2-8
- Contracting officer's representative 2-9
- Agency or Command CAAS directors 2-10
- Requiring Activities 2-11

Statement of Work

- Agency or Command CAAS director responsibility 2-10 *e*
- Requiring activity responsibilities 4-3 *d*

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